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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,195	02/10/2005	Ryoji Fujii	10873.1633USWO	4102

7590 12/21/2005

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EXAMINER	
PRASAD, SONAL	

ART UNIT	PAPER NUMBER
3767	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/524,195	FUJII, RYOJI	
	Examiner	Art Unit	
	Sonal Prasad	3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4, 7, 16-19 is/are rejected.

7)☒ Claim(s) 5, 6, 8-15 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/22/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,7, 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dikeman et al. (US 2004/0102738). Dikeman et al discloses the same invention as in **claim 1**, including a needleless port (Fig. 2) comprising: a pedestal that forms a part of a flow channel (Fig 2, #80) and has an opening to the flow channel; a cover that is engaged with the pedestal at a position corresponding to the opening and has a cavity that opens to exterior (Fig. 2, #50) at a predetermined distance from the opening; and a septum that is held in the cavity (Fig.2, #48 & #52) and is made of a resilient material ([0039],lines 16-17) with a passageway for allowing an insertion member to be inserted from the exterior to the opening (Fig. 2, #50), wherein the septum comprises a main body (Fig 2, #56) that extends from an inner end on the pedestal side toward an outer end on the exterior side of the cavity of the cover, with the passageway being formed between an inner-end face and an outer-end face thereof and compression ribs (Fig. #13,#136) provided on sides of the main body the main body has a cross section in a direction orthogonal to the passageway of a shape having a dimension in a length direction larger than that in a breadth direction (Fig 11 &13), the passageway includes a slit (abstract line 9) and a bore (Fig #13, #134), the slit having a predetermined depth

from the outer-end face of the main body and extending in the same direction as the length direction, and the bore extending from the slit to the inner-end face of the main body and having a lateral section of a spindle shape whose major axis extends in the same direction as the length direction (Fig. 11 & 13), the compression ribs (Fig. #13,#136) are provided at the both side ends of the main body in the breadth direction so as to extend along the axial direction of the passageway the cavity of the cover has a circular cross section whose diameter is smaller than a distance between the external surfaces of the compression ribs (Fig. #13,#136), and with the septum being held inside the cavity a space is formed between an external surface of the main body at a part without the compression ribs and an internal wall of the cover, and the bore is dosed by a compressive force applied from the internal wall of the cover to the septum via the compression ribs (Fig. #13,#136).

Dikeman et al discloses the same invention as in **claim 2**, including a needleless port (Fig. 2) comprising: a pedestal that forms a part of a flow channel and (Fig 2, #80) has an opening to the flow channnel; a cover that is engaged with the pedestal at a position corresponding to the opening and has a cavity that opens to exterior (Fig. 2, #50) at a predetermined distance from the opening; and a septum that is held in the cavity (Fig.2, #48 & #52) and is made of a resilient material ([0039], lines 16-17) with a substantial passageway for allowing an insertion member to be inserted from the exterior to the opening (Fig. 2, #50), wherein the septum comprises a main body (Fig 2, #56) that extends from an inner end on the pedestal side toward an outer end on the exterior side

of the cavity of the cover,with the substantial passageway being formed between an inner end on and an outer-end face thereof and compression ribs provided on sides of the main body the main body has a cross section in a direction orthogonal to the substantial passageway of a shape having a dimension in a length direction larger than that in a breadth direction (Fig. 11 & 13),, the substantial passageway includes an unpenetrated region and a bore, the unpenetrated region having a predetermined depth from the outer-end face of the main body and the bore extending from the unpenetrated region to the inner-end face of the main body and having a lateral section (Fig. 11 & 13), of a spindle shape whoœ major axis extends in the same direction as the length direction, the compression ribs are provided at the both side ends of the main body in the breadth direction so as to extend along the axial direction of the substantial passageway the cavity of the cover has a circular cross section whose diameter is smaller than a distanœ between the external surfaces of the compression ribs (Fig. #13,#136), and with the septum being held inside the cavity a spaœ is formed between axial external surface of the main body at a part without the compression ribs (Fig. #13,#136), and an internal wall of the cover, and the bore is dosed by a compressive force applied from the internal wall of the cover to the septum via the compression ribs. (Fig. #13,#136).

Dikeman et al discloses the same invention as in **claim 3**, including the needleless port (Fig. 2) wherein the septum has, on an inner end of the main body an inner-end plate that has an oval shape whose major axis extends in the same direction as the breadth

direction (Fig. 2, #48) of the main body a major axis of the inner-end plate is larger than an inside diameter of the internal wall of the cover, and with the septum being held inside the cavity a (Fig.2, #48 & #52) compressive force acting in the major axis direction is applied from the cover to the inner-end plate.

Dikeman et al discloses the same invention as in **claim 4**, including the septum (Fig.2, #48 & #52) around an outer end of the main body, and outer-end plate that is exposed to outside of the cover and is larger in size than an inside diameter of the covers at an outer end of the cover. (Fig. 11 & 13).

Dikeman et al discloses the same invention as in **claim 7**, including the needleless port wherein a surface of the outer-end plate is flat. (Fig. 4)

Dikeman et al discloses the same invention as in **claim 16**, including the needleless port wherein an annular rib (brief descrip. [0020], Fig. 5) is provided around the opening of the pedestal (Fig. 2, #80), the annualar rib (brief descrip. [0020], Fig. 5) projecting toward the cover, and the inner-end plate of the septum is sandwiched between the internal wall of the cover and the annular rib so that the annular rib engages with a bottom surface of the inner-end plate, thereby establishing liquid-tightness. (Fig. 5)

Dikeman et al discloses the same invention as in **claim 17**, including the needleless port wherein the internal wall of the cover has one of more indents that are to be engaged with an external surface of the septum. (Fig. 2, #88)

Dikeman et al discloses the same invention as in **claim 18**, including the needleless port wherein an inner peripheral portion at an outer end of the cover is chamfered. (Fig. 2, #92)

Dikeman et al discloses the same invention as in **claim 19**, including a needleless port wherein a material of the septum is one of silicon rubber, isoprene rubber, butyl rubber, nitrile rubber and thermoplastic elastomer. ([0037] lines 8-10)

Allowable Subject Matter

3. Claims 5,6,8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sonal Prasad
Examiner
Art Unit 3767

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KEVIN C. SIRMONS
PRIMARY EXAMINER

Kevin C. Sirmons